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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and the *Repertoire of the Practice of the Security Council*

Report of the Secretary-General

Summary

In conformity with General Assembly resolution 58/248 of 23 December 2003, the present report outlines the efforts undertaken by the Secretariat in 2004 to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The Assembly is invited, in paragraphs 10 and 17, to take action in light of the conclusions drawn in sections II.E and III.D of this report.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 58/248 of 23 December 2003. In paragraph 7 of that resolution, the Assembly, taking note of paragraphs 42 and 43 of the 2003 report of the Secretary-General (A/58/347), commended him for his continued efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs* and endorsed his efforts to eliminate the backlog in the publication of the *Repertoire of the Practice of the Security Council*. In paragraph 8 of the same resolution, the Assembly encouraged the Secretary-General in his continuous efforts to eliminate the backlog in the publication of the *Repertory* and of the *Repertoire*, including by exploring options involving cooperation with academic institutions as a means to achieve that aim without prejudice to the continuation of their timely publication. In paragraphs 9 and 10, the Assembly commended the Secretary-General for his initiative to make *Repertory* studies available on the Internet and requested him to make every effort, within the level of the approved budget, towards making available electronically all versions of the *Repertory* as early as possible; and in paragraph 11, the Assembly also requested the Secretary-General to submit a report on both the *Repertory* and the *Repertoire* to the Assembly at its fifty-ninth session.

II. *Repertory of Practice of United Nations Organs*

A. Preparation of Supplements to the *Repertory of Practice of United Nations Organs*

2. In 2003, the Secretariat finalized and submitted for translation and publication four volumes, namely, volume III of Supplement No. 6 (1979-1984) and volumes IV, V and VI of Supplement No. 7 (1985-1988). The work also progressed on numerous studies for four volumes of Supplement No. 8 (1989-1994) and on various studies for some volumes of Supplement No. 9 (1995-1999).

3. The current status of the publication, which by 2007[1] should consist as a whole of 38 volumes, is as follows: 24 volumes were published,[2] and 5 volumes have been finalized and submitted for publication.[3] Consequently, the work to be completed comprises nine volumes,[4] five of which are in different stages of preparation.

4. Annex I sets out the responsibilities of individual Secretariat units for the preparation of *Repertory* studies on individual provisions of the Charter of the United Nations. Annex II sets out the responsibilities of individual Secretariat units for the consideration of the preparation of *Repertory* volumes. In accordance with

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[1] In April 2002, the Office of Internal Oversight Services of the United Nations Secretariat (OIOS), in its report on the in-depth evaluation of legal affairs, recommended the year 2007 as a target date for the elimination of the backlog (see E/AC.51/2002/5, sect. IV, recommendation 12).

[2] *Repertory* and Supplement Nos. 1-6 (1946-1984).

[3] Two remaining volumes of Supplement No. 6 (1979-1984) and three volumes of Supplement No. 7 (1985-1988).

[4] This excludes work remaining on Supplement No. 9, which currently is not part of the backlog, insofar as it covers the most recent period that can be reviewed. Under normal schedule, it would be produced during the period 2000-2004.

paragraph 8 of resolution 58/248, in which the General Assembly had encouraged the Secretary-General to explore options involving cooperation with academic institutions, a pilot project was initiated in early 2004 involving a group of externs to conduct research for studies on certain Articles of the Charter of the United Nations. Externs, working to assist research towards the completion of unfinished studies, were guided and supervised by a staff member. Because of the limited scope and duration of the exercise, it would be premature to make an assessment regarding its effectiveness at the present time.

B. Availability of *Repertory* studies on the Internet

5. Since the establishment in autumn 2003 of the United Nations web site for the *Repertory* (http://www.un.org/law/repertory/), studies from 29 volumes, including the 5 volumes currently in processing for publication, have been posted on the Internet. In addition, the web site provides access to studies on individual Articles of the Charter of the United Nations from volumes not yet complete, thus further reducing the backlog. Placement of studies on the Internet, in a full-text searchable format, provides users, such as Member States and the academic community, with greater access to this resource.

6. Currently, all studies available in English are on the Internet, with a number of them also available in French and Spanish. The Secretariat will continue to make available electronically all three language versions of finalized *Repertory* studies as early as possible.

C. Translation of *Repertory* volumes into French and Spanish

7. Volume I of Supplement No. 6 was published in French and Spanish in 2004. Volume IV of Supplement No. 6 was issued in Spanish in June of 2004 and will be issued in French in 2004. Volume V of Supplement No. 6 was issued in Spanish in February 2004 and will be issued in French in 2004.

D. Funding

8. The Secretary-General in his report entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1), in accordance with the goal of ensuring that the Organization devoted its attention to the priorities set by Member States and in view of limited resources, indicated in action 10 (d) (see para. 83) that the *Repertory* should no longer be produced by the United Nations. Accordingly, no provision was included for this purpose in the proposed programme budget for the biennium 2004-2005. No resources were provided for the elimination of the backlog in the publication as encouraged in General Assembly resolution 58/248. In paragraph 44 of resolution 58/270 of 23 December 2003, the Assembly requested the Secretary-General to report, in the context of his first performance report, on the possibility for absorptions or the mobilization of extrabudgetary resources for the *Repertory*. The Interdepartmental Committee on Charter Repertory held two meetings, inter alia, to review the status of publication in light of the current situation, and was of the view that *Repertory*-related activity would be

contingent upon mobilization of resources in light of any future decision by the Assembly.

9. In paragraph 111 of its 2004 report,[5] the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization recommended that the General Assembly review at the appropriate technical level the possibility of establishing, at its fifty-ninth session, a trust fund for the preparation, updating and publication of the *Repertory*, which should accept solely voluntary contributions by States and private institutions and individuals.

E. Conclusions

10. **With respect to the *Repertory*, in the light of the above, the General Assembly may wish:**

(a) **To note the current status of the publication, including the progress made towards making *Repertory* studies available on the Internet in three languages (English, French and Spanish);**

(b) **To consider the recommendation of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization concerning the possibility of establishing a trust fund for the *Repertory*, as referred to in paragraph 111 of the Committee's 2004 report;**

(c) **To note that future efforts towards eliminating the backlog in the preparation of *Repertory* studies will be contingent upon mobilization of resources.**

III. *Repertoire of the Practice of the Security Council*

A. Preparation

11. Fifty years ago, the General Assembly gave the Secretary-General a mandate to produce a *Repertoire of the Practice of the Security Council*. From its inception, it has dealt with Security Council procedure, practice and constitutional questions in prior years. The Assembly continues to support the *Repertoire*. Within the limit of the resources available to it, the Secretariat is directing its efforts at producing the *Repertoire* in the most expeditious manner consistent with accuracy and balance, taking advantage of growing technological possibilities.

12. Drafting of the eleventh Supplement (covering the period 1989-1992) has been completed and the twelfth Supplement (1993-1995) is well under way, with a target date of 2005 for completion. Pursuant to section III, paragraph 15, of General Assembly resolution 55/222 of 23 December 2000, the *Repertoire*, beginning with the tenth Supplement (1985-1988), is to be made available in all official languages. In the case of the tenth Supplement, this has already been achieved.

13. In line with the "two-track" approach referred to in last year's report (A/58/347), work was initiated on a contemporary Millennium Supplement, covering the period 2000-2003 as drafting of the twelfth Supplement (1993-1995)

[5] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 33* (A/59/33).

continues and work begins on covering the remaining gap period, 1996-1999. The aim is to produce a streamlined version of the *Repertoire* that at the same time incorporates all relevant aspects of previous Supplements, while responding to the general interest in the Security Council's contemporary practice, procedure and constitutional practice.

B. Availability of *Repertoire* studies on the Internet

14. A significant increase has been noted in the use of the published Supplements to the *Repertoire* already posted on the United Nations Internet web site (http://www.un.org/Depts/dpa/repertoire). As requested by Member States, the Secretariat is in the process of upgrading the web site to introduce multiple search capabilities. In addition, to allow access to current information without the lengthy delays involved in preparation for external publication, the Secretariat is now posting individual chapters of the *Repertoire*, once completed and approved, on the web site in an "advance version".

C. Constraints

15. The preparation and production of the *Repertoire* would not have been possible without the continued support of the General Assembly. Nonetheless, voluntary contributions to the Trust Fund for the Updating of the *Repertoire* remain an important element in respect of sustaining progress in a situation of financial constraint. Since the last report, Pakistan has joined the list of contributors.

16. The Security Council Affairs Division of the Secretariat has received numerous questions about the respective mandates and scope of the *Repertoire* and the *Repertory*. A lack of clarity regarding the two publications has also been reflected in considerations of the separate programmes that produce them. Such confusion has been aggravated by a consolidated reporting on the two.

D. Conclusions

17. **With respect to the *Repertoire*, in the light of the above, the General Assembly may wish to:**

(a) **Note the progress made towards the production of the *Repertoire* including a Millennium Supplement;**

(b) **Encourage contributions to the Trust Fund for the Updating of the *Repertoire*, and note with appreciation the recent contribution made by Pakistan to the Fund;**

(c) **Consider the possibility of a dedicated report of the Secretary-General on the *Repertoire* to be submitted to the General Assembly at its sixtieth and subsequent sessions.**

Annex I

Secretariat units bearing primary responsibility for the preparation of *Repertory* studies on individual provisions of the Charter of the United Nations

Office of Legal Affairs	*Repertory* volume I: Articles 1 (1), (3) and (4), 2 (1) to (3) and (5) to (7) and 7
	Volume II: Article 13 (1) (a)
	Volume VI: Articles 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	Volume I: Articles 1 (2), 2 (4) and 3 to 6
	Volume II: Articles 10, 12, 13 (1) (a), 14 and 16
	Volume III: Articles 23 to 39 and 107
	Volume V: Articles 73 to 85, 87 and 88
Department of Peacekeeping Operations	Volume III: Articles 40 to 54 and 106
Department for Disarmament Affairs	Volume II: Article 11
Department for General Assembly and Conference Management	Volume II: Articles 9, 15, 18 and 20 to 22
	Volume IV: Articles 60, 61, 62 (3) and (4), 65 to 69 and 72
	Volume V: Articles 86, 89, 90 and 91
Department of Management	Volume II: Articles 17 and 19
	Volume VI: Articles 100 (1) and 101
Department of Management with Office of Legal Affairs	Volume VI: Article 100 (2)
Department of Economic and Social Affairs	Volume II: Article 8[a]
	Volume II: Article 13 (1) (b) and (2)
	Volume IV: Articles 55 (a) and (b), 57 to 59, 62 (1), 63, 64, 70 and 71

Office of the United Nations High Commissioner for Human Rights	Volume II: Article 13 (1) (b)
	Volume IV: Articles 55 (c), 56 and 62 (2)
Office for Outer Space Affairs	Volume II: Article 13 (1) (a)

[a] The Department of Management (Office of Human Resources Management) is responsible for the preparation of Article 8 for the period up to and including 1996. For the period from 1997 onward, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

Secretariat units responsible for the coordination of the preparation of *Repertory* volumes

Volume	*Department*
I. (Articles 1 to 8)	Office of Legal Affairs
II. (Articles 9 to 22)	Department for General Assembly and Conference Management
III. (Articles 23 to 54, 106 and 107)	Department of Political Affairs
IV. (Articles 55 to 72)	Department of Economic and Social Affairs
V. (Articles 73 to 91)	Department of Political Affairs
VI. (Articles 92 to 105 and 108 to 111)	Office of Legal Affairs
Index	Department of Public Information (Dag Hammarskjöld Library)